

Notice of Allowability

Application No.

10/069,662

Applicant(s)

KI IHA ET AL.

Examiner

Art Unit

Katherine A. Bareford

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of October 14, 2003.
2. ☒ The allowed claim(s) is/are 13, 14, 17-22, 25-28, 37, 38, 41-45, 47, 48 and 51-57.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>attached</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Stuart on November 20, 2003.

The application has been amended as follows:

IN THE CLAIMS:

Claims 58-62 are canceled.

2. This amendment cancels independent claim 58 and claims 59-62 depending from claim 58. These claims were provided by applicant in the amendment of October 14, 2003. However, independent claim 58 would have been suggested by Timson (US 4128667), which suggests an applicator "nozzle" to apply a coating mix to a surface of a web in the form of a continuous curtain (see figure 1) and the injection of gas into the curtain to increase the momentum of the curtain and impact intensity on the web (see figure 1, column 2, lines 15-60 and column 4, lines 5-7). This increase in the momentum of the curtain would force the coating mix to penetrate a boundary air layer above the web surface.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the closest prior art is to Japan 08-001061 (hereinafter '061), Shibata et al (US 5044305), GB 1,080,523 (hereinafter '523) and Timson (US 4128667). '061 provides for a curtain coater with an applicator nozzle for providing the curtain and a doctoring means upstream of the curtain impingement point with a curved surface being curved to support the web and remove an air boundary layer traveling on the surface of the web, as required by independent claims 13, 47 and 51 (see abstract and figures 1-2). '523 teaches a curtain coater with an applicator nozzle for providing the curtain and a doctoring means upstream of the curtain impingement point with a suction nozzle to remove an air boundary layer traveling with the web (see figures 1-3 and page 2, lines 60-75 and page 4, line 125 through page 5, line 15). However, it would not have been obvious to combine '061 and '523 to provide a doctoring means with both suction and a curved surface (as is now required by independent claims 13, 47 and 51), because for the curved surface, '061 provides that the doctor is made with either flexible surface or a roller surface and '523 provides that the suction doctor is a rigid, non-flexible knife style, and thus, a combination of the two references would destroy necessary requirements of each invention (the Examiner notes that she understands from the wording of the claims, and the specification at page 5, line 25 through page 6, line 6 and figures 3-4, that the suction nozzle and curved surface form a single "means" formed from the combination of the suction nozzle and curved surface, and thus separate placement of the suction nozzle and curved surface do not occur as is argued by applicant at page 15 of the October 14, 2003 amendment). As to Shibata, Shibata provides for a curtain coater

with an applicator nozzle for providing the curtain and a doctoring means upstream of the curtain impingement point with a curved surface being curved to support the web and remove an air boundary layer traveling on the surface of the web, as required by independent claims 13, 47 and 51 (see column 3, line 50 through column 4, line 5 and figure 2). '523, as described above, teaches a curtain coater with an applicator nozzle for providing the curtain and a doctoring means upstream of the curtain impingement point with a suction nozzle to remove an air boundary layer traveling with the web (see figures 1-3 and page 2, lines 60-75 and page 4, line 125 through page 5, line 15). However, it would not have been obvious to combine Shibata and '523 to provide a doctoring means with both suction and a curved surface (as is now required by independent claims 13, 47 and 51), because Shibata uses a curved surface to impact a liquid precoating layer and the use of a suction device as shown by '523 in combination with such a surface would suction up the precoating layer, and thus, a combination of the two references would destroy necessary requirements of each invention. As to Timson, while Timson provides an applicator "nozzle" to apply a coating mix to a surface of a web in the form of a continuous curtain (see figure 1) and the injection of gas into the curtain to increase the momentum of the curtain and impact intensity on the web (see figure 1, column 2, lines 15-60 and column 4, lines 5-7), the reference provides no teaching or suggestion as to the curved doctor surface and suction as required by the independent claims 13, 47 and 51.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) with the First Friday Off. After December 9, 2003, the examiner's telephone number will be (571) 272-1413.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


KATHERINE A. BAREFORD
PRIMARY EXAMINER
GROUP 1100-1700